IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2101 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PAPPUKHAN S/O BABUKHAN

Versus

SENIOR DIVISIONAL SECURITY COMMISSIONER R.P.F.

Appearance:

1. Special Civil Application No. 2101 of 1999

MR KIRIT I PATEL for Petitioner No. 1

MR SS SHAH for Respondent No. 1

SERVED BY RPAD - (R) for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 25/09/2003

ORAL JUDGEMENT

Heard learned advocate Mr. K.I.Patel appearing on behalf of the petitioner and learned advocate Mr.

S.S.Shah appearing on behalf of respondents.

2. The petitioner has challenged the removal order before respondent No.2 by filing departmental appeal which was rejected only on the ground of delay. Thereafter, in pursuance to the directions issued by this Court, appeal was filed before the respondent and that appeal has been decided by order dated 9.11.1998 and respondent has rejected the appeal and thereafter petitioner had approached to the revisional authority and according to the information by Mr. Patel, in revision the removal order has been set aside and petitioner has been reinstated in service. But now the question remains about back wages of interim period. For that it is open for the petitioner to approach the highest authority of the respondent by way of representation claiming the back wages of interim period in light of the reinstatement order passed by the revisional authority within a period of four weeks from the date of receiving the copy of this order. As and when the respondent authority receive the representation of the petitioner about claiming the back wages of interim period it is directed to the respondent authority to consider the representation of the petitioner and examine the grievance and pass appropriate orders within a period of three months from the date of receiving the representation from the petitioner.

3. In view of the above observations and direction present petition is disposed of. However, in case of any difficulty, it is open for the petitioner to revive the present petition by filing merely a note in the registry of this Court. Rule is discharged.

(H.K.Rathod,J)

Jayanti*